



Public Comment Analysis

Date: February 8, 2012

Topic: The Proposed Grade Expansion of Special Music School (03M859) to a K-12 School and Co-Location of the High School Grades with Existing Schools High School for Arts, Imagination, and Inquiry (03M299), High School for Law, Advocacy, and Community Justice (03M492), High School of Arts and Technology (03M494), Manhattan/Hunter Science High School (03M541), Urban Assembly School for Media Studies (03M307), and Manhattan Theatre Lab High School (03M283) in Building M490 Beginning in 2013-2014

Date of Panel Vote: February 9, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to expand Special Music School (03M859, “Special Music”) to serve kindergarten through twelfth grade. Special Music is an existing Citywide choice school serving students in kindergarten through eighth grade in building M932 at 129 West 67th Street, New York, NY 10023, in Community School District 3. The DOE leases building M932 from the Kaufman Center, a music-focused cultural organization that also provides music programming services to the school. The proposed high school grades would be co-located in building M490, the Martin Luther King, Jr. Educational Campus (“MLK”), located at 122 Amsterdam Avenue, New York, NY 10023, also in Community School District 3, with six existing high schools: High School for Arts, Imagination, and Inquiry (03M299, “Imagination and Inquiry”), High School for Law, Advocacy, and Community Justice (03M492, “Law”), High School of Arts and Technology (03M494, “Arts and Technology”), Manhattan/Hunter Science High School (03M541, “Manhattan/Hunter”), Urban Assembly School for Media Studies (03M307, “Urban Assembly Media”), and Manhattan Theatre Lab High School (03M283, “Manhattan Theatre Lab”). A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

If this proposal is approved, Special Music would begin enrolling ninth-grade students in MLK for the 2013-2014 school year, and continue to add one grade each year until 2016-2017, when it would reach full-scale and serve kindergarten through twelfth grade, with kindergarten through eighth grade in building M932 and grades nine through twelve in MLK.

In a separate Educational Impact Statement (“EIS”) posted on December 22, 2011, the DOE proposed to phase out and eventually close Manhattan Theatre Lab. This EIS can be accessed on the DOE’s Website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

In the event that the phase-out of Manhattan Theatre Lab is not approved, the DOE would re-examine the availability of space in the building, and may, as appropriate, revise its proposal to co-locate Special Music in MLK. Such a revised proposal would be described in a revised EIS.

Manhattan Theatre Lab currently serves a total of 412 students in ninth through twelfth grades in the MLK campus.¹ The DOE has proposed to phase out Manhattan Theatre Lab after an extensive review of data and community feedback indicating that the school is unable to turn around despite numerous efforts to improve instruction and school organization. As noted in the EIS posted on December 22, 2011, Manhattan Theatre Lab students continue to struggle academically.

If the Panel for Educational Policy approves the proposal to phase out Manhattan Theatre Lab, the school will no longer admit new ninth-grade students after the end of this school year. However, Manhattan Theatre Lab will continue to serve students currently enrolled in the school. Manhattan Theatre Lab's enrollment will decrease gradually over the next three years, and the school will complete phasing out in June 2015. The space in MLK that would be vacated by Manhattan Theatre Lab can be used to serve Special Music's proposed high school grades.

The proposed expansion and co-location of Special Music's high school grades in MLK is part of the DOE's central goal to create new school options that will better serve future students and the community at large. Special Music currently admits kindergarten through eighth-grade students through a school-based admissions process that is open to all New York City residents. If this proposal is approved, Special Music would admit ninth-grade students through the Citywide High School Admissions Process. Priority for the new Special Music high school seats would be given to Special Music's current eighth-grade students, but because the school's ninth grade would be larger than its current eighth grade, a portion of the seats would need to be filled by students coming from other middle schools through the Citywide High School Admission Process. Special Music would use an audition admissions process. The existing schools in MLK all admit students through the Citywide High School Admissions Process. Imagination and Inquiry, Urban Assembly Media, and Manhattan Theatre Lab all use a limited unscreened admissions process. Law and Arts and Technology use an educational option admissions process and Manhattan/Hunter is academically screened.

The MLK campus is located just one-and-a-half blocks (about 0.1 miles) away from Special Music's current building, where it will continue to serve students in kindergarten through eighth grade. The close proximity of the two sites will enable the school to easily share faculty across grade levels, as well as allow the high school students to easily access additional extracurricular programs offered by the Kaufman Center at the lower school site.

The MLK building has the capacity to serve 3,230² students. It served 2,621³ students in 2010-2011, yielding a utilization rate of 81%.⁴ In 2011-2012, the building is serving 2,826 total students,⁵ yielding a utilization rate of 87%.⁶ If this proposal is approved, the building would serve approximately 2,515-2,775 students and have a projected utilization rate of 78-85% in 2016-2017 when Manhattan Theatre Lab is phased out and Special Music has reached full scale. As discussed in the EIS, MLK has sufficient space to provide all schools with at least their baseline room allocations. Therefore, the MLK building has the

¹ 2011-2012 Unaudited Register as of October 31, 2011.

² 2010-2011 Enrollment, Capacity, Utilization Report (the "Blue Book").

³ 2010-2011 Audited Register.

⁴ All references to building utilization rates in this document are based on target capacity data from the 2010-2011 Blue Book. Utilization rates referenced for the 2010-2011 school year only include the number of students estimated to be regularly attending the school, and do not include Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of October 31, 2010.

⁵ 2011-2012 Unaudited Register as of October 31, 2011.

⁶ The utilization rate reported here may differ from that published in the 2010-2011 Blue Book because the building enrollment figures referenced throughout this document and used in the calculation of utilization rates for the 2012-2013 school year and beyond are based on the unaudited enrollment as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

capacity to accommodate all existing schools along with the proposed addition of the high school grades of Special Music.

The DOE strives to ensure that all students in New York City have access to a high-quality school at every stage of their education. Continuing to allocate space and resources to schools that are unable to significantly improve student performance is neither efficient nor equitable. As detailed in the EIS posted on December 22, 2011, the DOE has concluded that phasing out Manhattan Theatre Lab is appropriate due to the school's history of poor performance.

As part of the replacement strategy for Manhattan Theatre Lab, the DOE is proposing to expand Special Music to serve high school grades in the MLK campus. Special Music would offer a rigorous, college-preparatory program designed to equip students with the skills necessary to achieve post-secondary success. The DOE believes that co-locating Special Music's high school in the MLK campus would create an additional high-quality educational option in the community. Special Music will also provide students with a rigorous musical education, including music composition, analysis, and performance. If the proposal to phase out Manhattan Theatre Lab is approved, the expansion and co-location of Special Music will also ensure that performing arts programming continues to be offered at the MLK campus.

The proposal to expand Special Music initially came from the school community. In May 2011, a grade expansion team composed of Special Music teachers and administrators submitted a formal application to expand the grades served by the school. That application was supported by Special Music's parents and the broader community surrounding the school, including City Councilmember Gale Brewer and music-focused institutions including the Julliard School and the New York chapter of the Recording Academy. This suggests a high level of satisfaction with the school and parent confidence that an expanded Special Music would better suit the needs of their children than existing high school options in the City. The grade expansion application was approved by the DOE in December 2011. This grade expansion would allow Special Music to serve elementary, middle, and high school grades at full scale.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal and the proposal to phase out Manhattan Theatre Lab was held at the MLK campus on January 24, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 150 members of the public attended the hearing, and 54 members of the public spoke, mostly making comments pertaining to the proposal to phase-out Manhattan Theatre Lab. Comments related to the phase-out proposal are addressed in the separate public comment analysis on that proposal, available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals.htm>. Present at the meeting were District 3 Community Education Council ("CEC 3") President Christine Annechino; CEC 3 Representative Noah Gotbaum; CEC 3 Representative Laurie Frey; Citywide Council on High Schools ("CCHS") Representative Noah Kaufman; Citywide Council on English Language Learners ("CCELL") President Teresa Arboleda; Colleen Jones, Manhattan Theatre Lab School Leadership Team ("SLT") Representative; Owen Harkness, Manhattan Theatre Lab SLT Representative; Karen Mitchell, Manhattan Theatre Lab SLT Representative; Katie Banucci-Smith, Principal, Special Music; Jenny Undercofler, Special Music SLT Representative; Kristen Palmieri, Special Music SLT Representative; Deputy Chancellor Kathleen Grimm; High School Superintendent Tamika Matheson; Jenny Sobleman, Chief of Staff in the DOE Division of Family and Community Engagement; and Elizabeth Rose, Director of Manhattan Planning in the DOE Office of Portfolio Management.

Additionally, the following representatives from the schools co-located in MLK confirmed that they would participate, but did not sign in at the hearing: Manhattan/Hunter SLT Representative Cynthia Fontanez; Manhattan/Hunter SLT Representative Hilda Salgado; Imagination and Inquiry SLT Representative Andrew Klingle; Law Principal Doreen Conwell; Law SLT Representative Carlos Ruis;

Law SLT Representative Gloria Wolfe; Law SLT Representative Joshua Stone; Arts and Technology Principal Anne Geiger; Urban Assembly Media Principal Cordelia Veve.

The following comments and remarks were made at the joint public hearing on January 24, 2012:

1. *Teresa Arboleda, CCELL President, asserted that:*
 - a. She is deeply concerned about this proposed phase-out (Note—comments related to the phase out are addressed in the Public Comment Analysis for that proposal). She further noted that according to the EIS, Manhattan Theatre Lab has an ELL population of 9%. Special Music only has 1% ELLs.
 - b. Manhattan Theatre Lab hasn't been given an adequate chance to succeed, and these students may not be given opportunities at screened performing arts schools like Special Music and would have limited options if the school is phased out. She noted that the EIS says that there are only two unscreened performing arts high schools, and asked what the DOE will do to serve students who cannot afford the coaching needed to make the cut in a high stakes audition?
 - c. Ms. Arboleda further asserted that although she did not wish to disparage Special Music, it could be perceived that Special Music, with low special education and ELL populations, is preferred to Manhattan Theatre Lab.
 - d. Finally, Ms. Arboleda suggested that perhaps both Manhattan Theatre Lab and Special Music could be at MLK and work together.
2. *Colleen Jones, Manhattan Theatre Lab SLT Member, asserted that:*
 - a. Special Music is screened. Students at Manhattan Theatre Lab aren't screened.
3. *Noah Gotbaum, CEC 3 Representative, asserted that:*
 - a. He supports Special Music, but it should not be put in at the expense of Manhattan Theatre Lab. What happens to these students when this school gets closed down? Where do they go? What about kids who want the opportunity for performing arts and can't afford the tutoring and coaching needed for screened schools? It has been the choice of hundreds of kids, has solid support of parents, kids, and teachers, and yet, DOE is using one year as an excuse to close it down.
 - b. You talk about choice--is choice only for high-performing students? What about all our kids? Is it just for charters and test-taking kids? The DOE is failing our minority, high needs, and ELL students.
4. *Christine Annechino, President of CEC 3, asserted the following:*
 - a. The CEC is an elected body representing parents of District 3, from 59th Street to 122nd Street on the West Side of Manhattan. It is my responsibility to hear from the public in terms of your particular experiences in this school.
 - b. I do not believe this is a choice of Special Music versus Manhattan Theatre Lab. I support Special Music, but I believe both of those schools can work together in this building. Do not fall into the trap of schools fighting schools. Both deserve the chance to do well in this building.
5. Several commenters noted that they support the expansion of Special Music and its co-location in MLK, but that it should not come at the expense of Manhattan Theatre Lab.
6. Several commenters asserted that they support the expansion of Special Music, but that it should not be co-located at MLK.
7. Several commenters noted that Special Music will have an audition-based admissions process and will not serve the same population as Manhattan Theatre Lab.

Comments made at the hearing regarding the proposed phase-out of Manhattan Theatre Lab are addressed in the Public Comment Analysis for that proposal.

The following questions were submitted in writing at the joint public hearing on January 24, 2012:

8. Special Music is only 14% Black and Latino, as compared to 98% at Manhattan Theatre Lab. What is the DOE's plan for these displaced arts students who will not have access to screened programs like Special Music, which is 60% Caucasian?
9. If Special Music gives preference to continuing students, how will the community support the aspirations of other students motivated to attend a performing arts school, particularly those who do not have the resources needed to prepare for auditions?

II. **Summary of Issues Raised in Written and Oral Comments Submitted to the DOE regarding the proposal**

One email was received opposing the proposal. The commenter asserted the following reason for this opposition:

10. Elementary grades should not be co-located with high schools.

One email was received parents from Special Music supporting the proposal:

11. The parents asserted their support for the expansion of Special Music.
12. The parents asserted that the school should only be expanded under the leadership of a new principal, as they have concerns with choices the principal has made regarding personnel and classroom practices.

Class Size Matters ("CSM"), submitted written comments objecting to all of the proposed phase-outs and truncations proposed by the DOE.

13. In opposing the DOE's proposal to phase-out and eventually close these schools, the CSM comments cited the following reasons:
 - a. None of the Educational Impact Statements for the proposals include discussion of how the proposed phase-outs or, where applicable, the co-locations would affect class size;
 - b. The Citywide Instructional Footprint does not include class size standards;
 - c. The Educational Impact Statements use utilization figures from the DOE's Blue Book, which does not take into account the need to reduce class sizes in schools Citywide;
 - d. The community members, faculty, and families of schools that have been proposed for phase-out have opposed the proposed phase-outs and truncations;
 - e. The schools that have been proposed for phase-out and/or truncation have high concentrations of "at-risk" students, as defined as English Language Learner students, students with disabilities, and economically disadvantaged students.

III. **Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal**

CEC 3

Comment 4a defines the responsibilities and jurisdiction of CEC 3 and does not require a response.

Support for the expansion of Special Music School in MLK

Comment 11 supports the proposal and does not require a response.

Comments 1d, 4b, 5, and 6 support the proposal to expand Special Music School with the caveat that it should not be opened in MLK at the expense of Manhattan Theatre Lab. The proposal to expand Special Music is not contingent upon the phase-out of Manhattan Theatre Lab. The decision to propose Manhattan Theatre Lab for phase-out was based on a thorough assessment of the school's capacity to

improve, and was unrelated to Special Music's need for space for its proposed high school. In the event that Manhattan Theatre Lab is not phased out, the DOE would reassess the space available in MLK for Special Music and if necessary, identify an alternate site for the high school grades of Special Music.

Diversity and Admissions

With regard to comments 1b, 2, 3a-b, 7, 9, and 11, Special Music will, in fact, use an audition-based method to admit students, which may yield a different students body than that of Manhattan Theatre Lab. While the school will give priority to continuing students, the ninth grade, which will admit 50-60 students each year, will be significantly larger than Special Music's eighth grade, which enrolls roughly 15 students each year. This means that the majority of the ninth-grade students enrolled at Special Music each year will come from different middle schools.

With respect to comments 1a, 1c, and 8, any student who would have applied to Manhattan Theatre Lab would have the opportunity to audition for Special Music, regardless of race, ethnicity, economic background, or status as an ELL. Special Music may also attract students who would not have attended Manhattan Theatre Lab, but have attended other audition-based high schools, thereby opening seats at those schools to other students interested in the performing arts. Although there are only two other performing arts high schools in Manhattan with unscreened admissions, those that have auditions use a wide range of criteria to admit students, and as such, many students who would have attended Manhattan Theatre Lab would likely qualify for admissions at some of the audition-based schools, even if they would not necessarily qualify for Special Music. However, it may be the case that some students who would have attended Manhattan Theater Lab will instead attend a non-performing arts high school. It is important to note, however, that the schools those students will attend are almost certain to have graduation rates higher than that of Manhattan Theater Lab.

Co-location of Elementary Grades with High Schools

With respect to comment 10, the DOE is not proposing to co-locate Special Music's elementary or middle grades in MLK. Special Music's kindergarten through eighth grade will continue to be served at the school's current location. If this proposal is approved, only the new high school grades would be co-located in MLK.

Leadership

With respect to comment 12, when schools apply for grade expansions, as Special Music did, the DOE thoroughly assesses both the plan for the new grades and the capacity of the school's leadership to carry out the expansion successfully. The DOE believes that Principal Smith and her team have this capacity and have demonstrated this through the successful leadership of the school's kindergarten through eighth grades.

Class Size

With respect to comments 13a-e, class size is primarily determined by how principals choose to program students at their school within their budget. Thus, no particular proposal, in and of itself, necessarily impacts class size. The Citywide instructional footprint relies upon the current programming at a school (number of sections) to determine the baseline footprint allocation. Decisions to co-locate schools are not based solely on the utilization figures in the Blue Book. The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline footprint for each school.

The DOE acknowledges that there some members of the schools' communities that are opposed to the proposal, and/or prioritize smaller class sizes. However, given the schools' longstanding performance

struggles, we believe that phasing out certain schools and/or creating new educational options by co-locating new schools will best serve the families in these communities.

With respect to CSM's comments regarding the particular types of students who attend phase-out schools, it should be noted that schools progress report grades are based in part on a comparison of the school with peer schools serving similar populations of students. Poor performance report grades thus indicate that a school is not serving its students well, both objectively and by comparison to other schools serving similar students. Moreover, the new schools proposed to open are anticipated to serve student populations similar to the phasing out school.

IV. **Changes Made to the Proposal**

No changes have been made to the proposal in response to public feedback.